

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board<sup>1</sup>  
Docket No. 05-371

Dennis Glynn,	)
Appellant,	)
	)
v.	)
	)
Town of Milton and Joseph Prondak,	)
Appellees	)

**BOARD'S RULING ON APPEAL**

**Procedural History**

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant asks the Board to grant a variance from 780 CMR 1016.4 (Landings), 780 CMR 1017.1.1 (Floor surface) and 780 CMR 1017.4.5 (Access-controlled egress doors) of the Massachusetts State Building Code ("MSBC") for The Children's Center at Milton Academy located at 338 Centre Street, Milton, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on February 20, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se. Present and testifying on behalf of the Appellant was Carol Jacobs. There was no representative present from the Town of Milton Building Department.

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<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

### Discussion

A motion was made to deny the Appellant's request for a variance from 780 CMR 1016.4 and 780 CMR 1017.1.1 of the MSBC. The four exit doors of the subject property are not in compliance with the current MSBC; if any of these exit doors are to be used as an egress and/or ingress they must be properly constructed in accordance with the requirements set forth in the MSBC. Motion carried 3-0.


A motion was made to grant the Appellant's request for a variance from 780 CMR 1017.4.5 of the MSBC so long as the egress door (Exhibit 4) switches into safe mode in the event that a power failure occurs and all occupants will be able to exit the building by use of fifteen pounds on a crash bar. Motion carried 3-0.

### Conclusion

The Appellant's request for a variance from 780 CMR 1016.4 and 1017.1.1 is hereby **DENIED**. The Appellant's request for a variance from 780 CMR 1017.4.5 is hereby **GRANTED**.

**SO ORDERED.**

  
HARRY SMITH

  
ALEXANDER MACLEOD

  
KEITH HOYLE

DATED: March 22, 2007

*\*In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*